

UNITED STATES DISTRICT COURT

Southern

District of Ohio

Joseph F. Hutchison, et al.

AMENDED
BILL OF COSTS

V.

Fifth Third Bancorp

Case Number: 1:01cv00789

Judgment having been entered in the above entitled action on 10/07/05 against Joseph F. Hutchison, et al., the Clerk is requested to tax the following as costs:

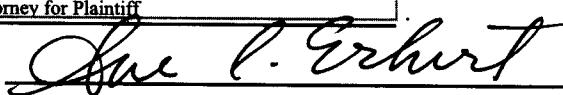
Fees of the Clerk	\$ <u>150.00</u>
Fees for service of summons and subpoena	
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	<u>2,602.25</u>
Fees and disbursements for printing	
Fees for witnesses (itemize on reverse side)	
Fees for exemplification and copies of papers necessarily obtained for use in the case	<u>5,729.93</u>
Docket fees under 28 U.S.C. 1923	
Costs as shown on Mandate of Court of Appeals	
Compensation of court-appointed experts	
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	
Other costs (please itemize)	
TOTAL \$ <u>8,482.18</u>	

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Richard G. Meyer, Attorney for Plaintiff.

Signature of Attorney:

Name of Attorney: Sue A. ErhartFor: Fifth Third BancorpDate: 12/14/06

Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgment.

By:

Deputy Clerk

Clerk of Court

Date

NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:
“Sec. 1924. Verification of bill of costs.”

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

Rule 54 (g)
"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

Rule 8(c) "Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

“Entry of the judgment shall not be delayed for the taxing of costs.”

AMENDED BILL OF COSTS1. Filing Fee

A. For removal of Complaint from Hamilton County Court of Common Pleas to United States District Court	\$ 150.00
	TOTAL
	\$ 150.00

2. Deposition Transcripts

A. John Bucchield	\$ 319.00
B. Joseph F. Hutchison	\$ 544.75
C. James Girton	\$ 311.75
D. Paul Reynolds, Volume I	\$ 200.95
E. Paul Reynolds, Volume II	\$ 231.55
F. Christopher Henn	\$ 795.25
G. Richard Levo	\$199.00
	TOTAL
	\$ 2,602.25

3. Reproduction Charges

A. CopyPlex invoice, 11/29/04	\$ 2,672.84
B. United States District Court	\$ 46.50
C. KMK invoices	
Invoice No. 638171	\$ 19.20
Invoice No. 659293	\$ 10.50
Invoice No. 665295	\$ 21.75
Invoice No. 667911	\$ 17.05
Invoice No. 668830	\$ 62.70
Invoice No. 671809	\$ 9.45
Invoice No. 677853	\$ 11.85
Invoice No. 680963	\$ 18.90
Invoice No. 683814	\$ 26.55
Invoice No. 689879	\$ 192.75
Invoice No. 734964	\$ 76.50
Invoice No. 737850	\$ 77.40

Invoice No. 740815	\$ 195.30
Invoice No. 743774	\$ 107.40
Invoice No. 752196	\$ 117.23
Invoice No. 753236	\$ 140.55
Invoice No. 758720	\$ 155.79
Invoice No. 763786	\$ 456.85
Invoice No. 764853	\$ 358.05
Invoice No. 768179	\$ 256.65
Invoice No. 771310	\$ 39.15
Invoice No. 778448	\$ 49.20
Invoice No. 783884	\$ 30.60
Invoice No. 784564	\$ 19.77
Invoice No. 790058	\$ 95.85
Invoice No. 791150	\$ 71.10
Invoice No. 797906	\$ 78.90
Invoice No. 804482	\$ 9.75
Invoice No. 811553	\$ 174.35
Invoice No. 815240	\$ 109.50
TOTAL	\$ 5,729.93
GRAND TOTAL	\$ 8,482.18

1876762.1

AMENDED BILL OF COSTS

1. FILING FEE

CHECK REQUEST

CHECK REQUEST

CHECK REQUEST

DATE: November 14, 2001

AMOUNT: \$150.00

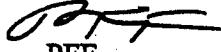
PAYABLE TO: U.S. District Court Clerk

ADDRESS: Southern District of Ohio
Western Division
324 Potter Stewart U.S. Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202

CLIENT/MATTER NAME: Fifth Third Bancorp/Suburban Federal ESOP

CLIENT/MATTER CODE: FI2260 BE0021

FIRM EXPENSE: No

PURPOSE: Filing fee to file removal of complaint from Hamilton County
Common Pleas Court of Hutchinson v. Fifth Third Bancorp to
in USDC.

PFF

AUTHORIZED BY:

REQUESTED BY: SAH

RETURN TO: Pat H.

NOTE: PLEASE ATTACH ORIGINAL COPIES OF ANY
SUPPORTING DETAIL BEFORE SUBMITTING TO THE
ACCOUNTING DEPARTMENT FOR PROCESSING.

One E Fourth Street
 Cincinnati, OH 45202
 513-579-6400
 Fax: 513-579-6419
 Email: pfischer@kmklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sue A Erhart
 Keating, Muething & Klekamp, P.L.L.
 1400 Provident Tower
 One East Fourth Street
 Cincinnati, OH 45202
 513/579-6485
 Email: serhart@kmklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/14/2001	1	NOTICE OF REMOVAL from Hamilton County Court Of Common Pleas Case Number: A0107565 (no pgs: 3+) (tt) (Entered: 11/16/2001)
11/14/2001		CLASS ACTION COMPLAINT WITH JURY DEMAND filed in Hamilton County Court Of Common Pleas (no. pgs: 18+) (tt) (Entered: 11/16/2001)
11/14/2001		Summons issued by Clerk of Hamilton County Court Of Common Pleas as to defendant on 10/30/01 (tt) (Entered: 11/16/2001)
11/14/2001		Filing Fee Paid on 11/14/01 in the amount of \$ 150.00 ; Receipt #412917 (tt) Modified on 11/16/2001 (Entered: 11/16/2001)
11/16/2001	2	ORDER by Judge Sandra S. Beckwith Case referred to Mag. Judge Timothy S. Hogan (cc: all counsel) (no pgs: 2) (tt) (Entered: 11/16/2001)
11/16/2001	3	NOTICE to Clerk, Hamilton County Court Of Common Pleas regarding Notice Of Removal [1-1] (no pgs: 1) (tt) (Entered: 11/16/2001)
12/14/2001	4	STIPULATION by parties ; Defendant has until 12/21/01 for filing answer (no pgs: 1) (tt) (Entered: 12/14/2001)
01/02/2002	5	NOTICE OF PARTIAL DISMISSAL by plaintiffs: dismissing Third Cause of Action contained in original complaint (no pgs: 2) (km) (Entered: 01/02/2002)
01/02/2002	6	MOTION by plaintiffs to remand case to the Hamilton Cty Court of Common Pleas (no pgs: 3+) (km) (Entered: 01/02/2002)
01/24/2002	7	MEMORANDUM by defendant in opposition to motion for remand to State Court [6-1] (no pgs: 13) (tt) Modified on 01/25/2002 (Entered: 01/25/2002)
02/11/2002	8	REPLY by plaintiffs to response to motion to remand case to the Hamilton Cty Court of Common Pleas [6-1] (no pgs: 8) (tt) (Entered: 02/12/2002)
08/06/2002	9	ORDER by Judge Sandra S. Beckwith denying motion to remand case to the Hamilton Cty Court of Common Pleas [6-1] (cc: all counsel) (no pgs: 5) (tt) (Entered: 08/06/2002)

AMENDED BILL OF COSTS

2.A. COST OF DEPOSITION TRANSCRIPTS

Ace-Merit, LLC
 30 Garfield Place
 Suite 620
 Cincinnati, OH 45202-4364
 (513) 241-3200 Fax (513) 241-7958

Patrick Fischer, Esq.
 Keating, Muething & Klekamp
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202

INVOICE

REFERENCE NO.	DATE	JOB NUMBER
148401	06/06/2005	04-77210
05/17/2005	VOLKKA	C101789
CASE NUMBER		
Joseph F. Hutchinson vs. Fifth Third Bank Corp		
TERMS		
Net 30 - int. accrues @ 5.3% per month		

ORIGINAL AND 1 COPY OF TRANSCRIPT OF

John Hutchinson
 INDEX
 ROUGH ASCII
 DELIVERY: COURIER
 (TAXABLE \$ 235.00)

16.00 Pages	2.00
43.00 Pages	6.50
	4.50
	319.00
	323.79

TOTAL DUE >>> 319.00

AFTER 7/6/2005 PAY 323.79

7 DAY SIG THROUGH MR. MUETHING, COPY
 ORIGINAL/COPY/ASCII FILE BY COURIER, DUE 06/06/05

TAX ID NO.: 20-2923811

(513) 579-6400 Fax (513) 579-6457

Please detach bottom portion and return with payment.

Job No. : 04-77210
 Case No. : C101789
 Joseph F. Hutchinson vs. Fifth Third
 Invoice No.: 148401
 Date : 06/06/2005
 TOTAL DUE : 319.00
 AFTER 7/6/2005 PAY : 323.79

PAYMENT WITH CREDIT CARD

Card Holder's Name:

VISA/MC #:

Exp. Date:

Phone #:

Billing Address:

Zip:

Amount to Charge:

Cardholder's Signature:

Remit To: Ace-Merit, LLC
 30 Garfield Place
 Suite 620
 Cincinnati, OH 45202-4364

AMENDED BILL OF COSTS

2.B. COST OF DEPOSITION TRANSCRIPTS

Ace-Merit, LLC
30 Garfield Place
Suite 620
Cincinnati, OH 45202-4364
(513) 241-3200 Fax (513) 241-7958

I N V O I C E

ITEM #	DATE	JOB NUMBER
148403	06/06/2005	04-77211
05/19/2005	VOLKKA	C101789

Joseph F. Hutchinson vs. Fifth Third Bank Corp

Net 30 - int. accrues @ 1.5% per month

ORIGINAL AND 1 COPY OF ATTACHED CP:

Joseph Hutchinson

INDEX

ROUGH ASCII

(TAXABLE S 413.75)

113.75
28.00
111.00

75.00 PAGES

TOTAL DUE >>> 544.75

AFTER 07/06/2005 PAY 552.92

7 DAY SIG THROUGH MR. MORAN'S COPY
 ORIGINAL/COPY/ASCII DEL BY COURIER 06/06/05

TAX ID NO. : 20-2923811

(513) 579-6400 Fax (513) 579-6457

Please detach bottom portion and return with payment.

Job No. : 04-77211
 Case No. : C101789
 Joseph F. Hutchinson vs. Fifth Third
 Invoice No.: 148403
 Date : 06/06/2005
 TOTAL DUE : 544.75
 AFTER 7/6/2005 PAY : 552.92

PAYMENT WITH CREDIT CARD

Card Holder's Name:

VISA/MC #:

Exp. Date:

Phone #:

Billing Address:

Zip:

Amount to Charge:

Cardholder's Signature:

Remit To: Ace-Merit, LLC
 30 Garfield Place
 Suite 620
 Cincinnati, OH 45202-4364

AMENDED BILL OF COSTS

2.C. COST OF DEPOSITION TRANSCRIPTS

I N V O I C E

INVOICE NO.	DATE	JOB NUMBER
445	06/01/2005	01-333
JOB DATE	REPORTER(S)	CASE NUMBER
05/23/2005	STACPA	C-1-01-789
CASE CAPTION		
Joseph Hutchinson vs. Fifth Third Bancorp		
TERMS		
Net 30		

E-tran emailed; Exhibits enclosed
James Girton

311.75

TOTAL DUE >>> 311.75

Thank you for your business!

513.233.3000 (office)

513.233.2310 (fax)

TAX ID NO.: 01-0664110

(513) 579.6400 Fax (513) 793.4691

Please detach bottom portion and return with payment.

Patrick F. Fischer, Esq.
Keating, Muething & Klekamp, PLL
One East Fourth Street, Suite 1400
Cincinnati, OH 45202

Invoice No.: 445
Date : 06/01/2005
TOTAL DUE : 311.75

Job No. : 01-333
Case No. : C-1-01-789
Joseph Hutchinson vs. Fifth Third Bancorp

AMENDED BILL OF COSTS

2.D. COST OF DEPOSITION TRANSCRIPTS

A Limited Liability Company

Patrick F. Fischer, Esq.
Keating, Muething & Klekamp, PLL
One East Fourth Street, Suite 1400
Cincinnati, OH 45202

INVOICE NO.	DATE	JOB NUMBER
508	06/15/2005	01-433
JOB DATE	REPORTER(S)	CASE NUMBER
06/06/2005	DUNCBR	C-1-01-789
CASE CAPTION		
Joseph Hutchinson vs. Fifth Third Bancorp		
TERMS		
Net 30		

Exhibits enclosed, etran emailed on 6/14/05

Paul Reynolds

200.95

TOTAL DUE >>> 200.95

513.233.3000 (office)

513.233.2310 (fax)

TAX ID NO.: 01-0664110

(513) 579.6400 Fax (513) 793.4691

Please detach bottom portion and return with payment.

Patrick F. Fischer, Esq.
Keating, Muething & Klekamp, PLL
One East Fourth Street, Suite 1400
Cincinnati, OH 45202

Invoice No. : 508
Date : 06/15/2005
TOTAL DUE : 200.95

Job No. : 01-433
Case No. : C-1-01-789
Joseph Hutchinson vs. Fifth Third Ba

Remit To: Elite Reporting Agency, LLC
6263 Beechmont Avenue
Cincinnati, OH 45236-1902

AMENDED BILL OF COSTS

2.E. COST OF DEPOSITION TRANSCRIPTS

I N V O I C E

INVOICE NO.	DATE	JOB NUMBER
565	06/21/2005	01-436
JOB DATE	REPORTER(S)	CASE NUMBER
06/13/2005	MALLI	C-1-01-789
CASE CAPTION		
Joseph Hutchinson vs. Fifth Third Bancorp		
TERMS		
Net 30		

Exhibits enclosed, etran emailed on 6/21

Paul Reynolds

231.55

TOTAL DUE >>> 231.55

513.233.3000 (office)

513.233.2310 (fax)

TAX ID NO.: 01-0664110

(513) 579.6400 Fax (513) 793.4691

Please detach bottom portion and return with payment.

Patrick F. Fischer, Esq.
 Keating, Muething & Klekamp, PLL
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202

Invoice No.: 565
 Date : 06/21/2005
 TOTAL DUE : 231.55

Job No. : 01-436
 Case No. : C-1-01-789
 Joseph Hutchinson vs. Fifth Third Ba

Remit To: Elite Reporting Agency, LLC
 6263 Beechmont Avenue
 Cincinnati, OH 45236-1902

AMENDED BILL OF COSTS

2.F. COST OF DEPOSITION TRANSCRIPTS

Ace-Merit, LLC
30 Garfield Place
Suite 620
Cincinnati, OH 45202-4364
(513) 241-3200 Fax (513) 241-7958

Patrick Fischer, Esq.
Keating, Muething & Klekamp
One E. Fourth St., Suite 1400
Cincinnati, OH 45202

I N V O I C E

INVOICE NO.	DATE	JOB NUMBER
148749	06/29/2005	04-77725
JOB DATE	ATTORNEY	CASE NUMBER
06/16/2005	WELSW	C101789

Joseph F. Hutchison vs. Fifth-Third Bancorp

Net 30 - int. accrues @ 1.5% per month

ORIG/COPY/ASCII/DISK OR TRANSCRIPT OF

Christopher L. Haen
 ROUGH ASQRT.
 (TAXABLE S 621.25)

621.25
 174.00

TOTAL DUE >>> 795.25
 AFTER 7/29/2005 PAY : 807.18

30 DAY SIG. THROUGH MR. KIRK'S COPY
 ORIGINAL/COPY DEL BY COURIER 06/29/05

TAX ID NO. : 20-2923811

(513) 579-6400 Fax (513) 579-6457

Please detach bottom portion and return with payment.

Patrick Fischer, Esq.
Keating, Muething & Klekamp
One E. Fourth St., Suite 1400
Cincinnati, OH 45202

Job No. : 04-77725
 Case No. : C101789
 Joseph F. Hutchison vs. Fifth-Third
 Invoice No.: 148749
 Date : 06/29/2005
 TOTAL DUE : 795.25
 AFTER 7/29/2005 PAY : 807.18

PAYMENT WITH CREDIT CARD

Card Holder's Name:

VISA/MC #:

Exp. Date: Phone #:

Billing Address:

Amount to Charge: Zip:

Cardholder's Signature:

Remit To: **Ace-Merit, LLC**
30 Garfield Place
Suite 620
Cincinnati, OH 45202-4364

AMENDED BILL OF COSTS

2.G. COST OF DEPOSITION TRANSCRIPTS

INVOICE

INVOICE NO.	DATE	JOB NUMBER
485	06/08/2005	01-334
JOB DATE	REPORTER(S)	CASE NUMBER
05/31/2005	STACPA	C-1-01-789
CASE CAPTION		
Joseph Hutchinson vs. Fifth Third Bancorp		
TERMS		
Net 30	\$63	

Exhibits enclosed, etran emailed on 6/8/05

Richard Levo

199.00

TOTAL DUE >>> 199.00

513.233.3000 (office)

513.233.2310 (fax)

TAX ID NO.: 01-0664110

(513) 579.6400 Fax (513) 793.4691

Please detach bottom portion and return with payment.

Patrick F. Fischer, Esq.
 Keating, Musting & Klekamp, PLL
 One East Fourth Street, Suite 1400
 Cincinnati, OH 45202

Invoice No.: 485
 Date : 06/08/2005
 TOTAL DUE : 199.00

Job No. : 01-334
 Case No. : C-1-01-789
 Joseph Hutchinson vs. Fifth Third Ba

Remit To: Elite Reporting Agency, LLC
 6263 Beechmont Avenue
 Cincinnati, OH 45230-1902

AMENDED BILL OF COSTS

3.A. REPRODUCTION CHARGES

CopyPLEX

400 Tri-State Building
432 Walnut Street
Cincinnati, Ohio 45202
(513) 381-COPY(2679)

Invoice

Invoice Number:
CP04110292

Invoice Date:
Nov 29, 2004

Page:
1

Sold To:
Keating, Muething, Klekamp
1400 Provident Tower
One E. 4th Street
Cincinnati, OH 45202

Ship to:
Charlotte Creech

Customer ID	Customer PO	Payment Terms	
Keating 01	FI2200/BL001	Net Due; 1.5% per mo > 30	
Sales Rep ID	Shipping Method	Ship Date	Due Date
R&J100		11/29/04	11/29/04
Quantity	Item	Description	Unit Price
14,694.00		Level IV Copies	0.170
			2,497.98

Received by: _____

Federal Tax ID Number: 31-1422582

Subtotal	2,497.98
Sales Tax	174.86
Total Invoice Amount	2,672.84
Payment Received	
TOTAL	2,672.84

Copy Plex's terms are Due Upon Receipt. Your firm is responsible for prompt payment - not the client, insurance company, nor any other third party. Late charges and interest are calculated at 1.5% per month on balances over 30 days. Your firm will be responsible for paying interest on past due invoices. Your firm will be responsible for any and all fees related to the collection of the bad debt, including, but not limited to, professional fees from debt collectors, attorney fees and court costs. American Express, MasterCard and Visa are accepted.

AMENDED BILL OF COSTS

3.B. REPRODUCTION COSTS

CLERK
(S13) 564-7500

324 POTTER STEWART COURTHOUSE
100 E. FIFTH STREET
CINCINNATI, OH 45202

COPY REQUEST FORM

DATE: ~~3/1~~ 3/1

REQUEST BY: Sam Burkley

FIRM NAME: KMK

PHONE NUMBER: 579-6400

CASE NUMBER: 01-CV-789

CASE CAPTION:

DOCUMENT NUMBER/S REQUESTED: Please copy all pleadings
in the attached case

NUMBER OF PAGES @ \$.50 PER PAGE:

93

COST:

46.50

YOU WILL BE NOTIFIED BY PHONE WHEN YOUR COPIES ARE
READY FOR PICKUP

THANK YOU!

Tue Mar 5 13:14:06 2002

UNITED STATES DISTRICT COURT

CINCINNATI, OH

Receipt No. 100-47000
Cashier ~~MM~~

Tender Type CHECK

Check Number: 120899

Transaction Type N

DD Code Div No ~~0000~~
4661 1 32500

Amount \$ 46.50

NOTHING

COPIES, C-1-01-789

Tue Mar 5 13:14:06 2002

Check No. 120899
Amount \$ 46.50
Div No 32500
Date 03/05/2002
United States District Court

AMENDED BILL OF COSTS

3.C. REPRODUCTION COSTS

KMK invoices not attached

1876920.1